

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**Conditional Major
AIR QUALITY PERMIT**

Permittee Name: Federal Bureau Of Prisons, USP Big Sandy
Mailing Address: 1197 Airport Road
Inez, Kentucky 41224

Source Name: United States Penitentiary - Big Sandy
Mailing Address: Same as above

Source Location: United States Penitentiary - Big Sandy
1197 Airport Road
Inez, Martin County, Kentucky 41224

Permit Number: F-02-013
Log Number: 54237
Review Type: Conditional Major

KYEIS ID #: 21-159-00025
SIC Code: 9223

Regional Office Hazard Regional Office
233 Birch Street, Suite 2
Hazard, KY 41701-2179
(606) 435-6022

County: Martin

Application
Complete Date: March 28, 2002
Issuance Date: August 5, 2002
Expiration Date: August 5, 2007

**John S. Lyons, Director
Division for Air Quality**

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Units: **01 - 03 (PB1 08-B1, PB2 08-B2 , & PB3 08B3)**
 Indirect Heat Exchanger Gas/Oil Fired

Description: Three Gas/Oil Fired Hot Water Boilers - Unilux model ZF1800W
 Rated Capacity: 17.9 MMBtu/hr each
 Construction date: 2001
 Primary fuel: Natural gas
 Secondary fuel: #2 Fuel

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBTU/hr which commenced on or after April 9, 1972.

Regulation 401 KAR 60:005, incorporated by reference Regulation 40 CFR 60, Subpart Dc, Standards of Performance for small industrial-commercial-institutional steam generating units, applies to each steam generating unit commenced after June 9, 1989 that has a maximum design heat input capacity between 10mmBTU/hr and 100mmBTU/hr.

1. Operating Limitations :

The backup fuel oil consumption shall not exceed 12,288 gallons per year for all three (3) boilers on a 12 month rolling total. Operation of backup fuel for each boiler shall not equal or exceed 32 hours for any twelve (12) consecutive months. Sulfur content fuel oil shall not exceed 0.5 percent by weight.

2. Emission Limitations :

- a. Pursuant to Regulation 401 KAR 59:015, Section 4(1)(c), particulate emissions shall not exceed 0.369 lb/MMBTU based on a three-hour average.
- b. Pursuant to Regulation 401 KAR 59:015, Section 4(2)(b), emissions shall not exceed 20 percent opacity based on a six-minute average, except that a maximum of 40% opacity based on a six minute average, shall be permissible for not more than 6 consecutive minutes in any consecutive 60 minutes during cleaning the fire-box or blowing soot.
- c. Pursuant to Regulation 401 KAR 60:005, incorporating by reference 40 CFR 60, Subpart Dc, sulfur dioxide emissions shall not exceed 0.50 lb/mmBTU.
- d. These units are considered to be in compliance with the allowable PM, SO₂ and opacity limitations while burning natural gas or #2 fuel oil.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

3. Testing Requirements:

The permittee shall determine the opacity of emissions from the stack using the U.S. EPA Reference Method 9 annually or more frequently if requested by the Division.

4. Monitoring Requirements:

- a. The permittee shall monitor the natural gas and fuel oil usage rate on a daily basis.
- b. The permittee may use the fuel supplier certificate to meet the sulfur dioxide emission ~~monitoring~~ requirements specified in 40 CFR 60.47a, under Subpart Dc.
- c. The fuel supplier certification shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specifications under the definition of distillate fuel oil specified in the regulation.

5. Recordkeeping Requirements:

The permittee shall record and maintain records of the amount of natural gas and #2 fuel oil combusted by each boiler on a daily basis and on a 12-month rolling total.

6. Reporting Requirements:

- a. If fuel oil is burned in the unit, the permittee shall submit quarterly reports including the fuel supplier certification and a certified statement signed by the owner or operator of the affected facility that the records of the fuel supplier certification submitted represent the fuel oil combusted during the quarter.
- b. See Section F

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Units: **04 (KB1 05-SB1)** **Indirect Heat Exchanger Gas Fired**

Description: Gas Fired Steam Boiler - Unilux model ZF150LS
 Rated Capacity: 1.5 MMBtu/hr each
 Construction date: 2001
 Primary fuel: Natural gas

Applicable Regulations: Regulation 401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBTU/hr which commenced on or after April 9, 1972.

1. Operating Limitations:

None

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 59:015, Section 4(1)(c), particulate emissions shall not exceed 0.369 lb/MMBTU based on a three-hour average.
- b. Pursuant to Regulation 401 KAR 59:015, Section 4(2), emissions shall not exceed 20 percent opacity based on a six-minute average, except that a maximum of 40% opacity based on a six minute average, shall be permissible for not more than 6 consecutive minutes in any consecutive 60 minutes during cleaning the fire-box or blowing soot.
- c. Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c)1., sulfur dioxide emission shall not exceed 1.332 lb/MMBTU based on a twenty-four-hour average while burning natural gas.
- d. This unit is considered to be in compliance with the allowable PM, SO₂ and opacity limitations while burning natural gas.

3. Testing Requirements:

The permittee shall determine the opacity of emissions from the stack using the U.S. EPA Reference Method 9 annually or more frequently if requested by the Division.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

4. Monitoring Requirements:

Particulate, sulfur dioxide, and visible emissions as measured by methods referenced in State Regulation 401 KAR 50:015, Documents incorporated by reference, Section 1, shall not exceed the respective limitations specified herein.

5. Recordkeeping Requirements:

The permittee shall record and maintain records of the amount of fuel combusted during each day.

6. Reporting Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Units: **05 - 07 (CB1 10B-1, CB2 10B-2, & CB3 10B-3) Indirect Heat Exchanger
Gas/Oil Fired**

Description: Three Gas/Oil Fired Hot Water Boilers - Unilux model ZF100W
Rated Capacity: 1.176 MMBtu/hr each
Construction date: 2001
Primary fuel: Natural gas
Secondary fuel: #2 Diesel Fuel

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBTU/hr which commenced on or after April 9, 1972.

1. Operating Limitations:

The backup fuel oil consumption shall not exceed 864 gallons per year for all three (3) boilers on a 12 month rolling total. Operation of backup fuel for each boiler shall not equal or exceed 32 hours for any twelve (12) consecutive months. Sulfur content fuel oil shall not exceed 0.5 percent by weight.

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 59:015, Section 4(1)(c), particulate emissions shall not exceed 0.369 lb/MMBTU based on a three-hour average.
- b. Pursuant to Regulation 401 KAR 59:015, Section 4(2), emissions shall not exceed 20 percent opacity based on a six-minute average, except that a maximum of 40% opacity based on a six minute average, shall be permissible for not more than 6 consecutive minutes in any consecutive 60 minutes during cleaning the fire-box or blowing soot.
- c. Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c)1., sulfur dioxide emission shall not exceed 1.332 lb/MMBTU based on a twenty-four-hour average.
- d. These units are considered to be in compliance with the allowable PM, SO₂ and opacity limitations while burning natural gas or #2 fuel oil.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Testing Requirements:

The permittee shall determine the opacity of emissions from the stack using the U.S. EPA Reference Method 9 annually or more frequently if requested by the Division.

4. Monitoring Requirements:

- a. The permittee shall monitor the natural gas and fuel oil usage rate on a daily basis.
- b. The permittee may use the fuel supplier certificate to meet the sulfur dioxide emission monitoring requirements specified in 40 CFR 60.47a, under Subpart Dc.
- c. The fuel supplier certification shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specifications under the definition of distillate fuel oil specified in the regulation.

5. Recordkeeping Requirements:

The permittee shall record and maintain records of the amount of #2 fuel oil and natural gas combusted by each boiler on a daily basis and on a 12-month rolling total.

6. Reporting Requirements:

- a. If fuel oil is burned in the unit, the permittee shall submit quarterly reports including the fuel supplier certification and a certified statement signed by the owner or operator of the affected facility that the records of the fuel supplier certification submitted represent the fuel oil combusted during the quarter.
- b. See Section F

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Units: **08 -10 (PG1 08-Generator 1, PG2 08-Generator 2, & PG3 08-Generator 3)**
 Standby Diesel Generators

Description: Three Oil Fired Emergency Generators - Kohler 2000 ROZD4
 Rated Capacity: 2550 hp each
 Construction date: 2001
 Primary fuel: #2 Fuel Oil

APPLICABLE REGULATIONS:

401 KAR 50:030

1. Operating Limitations:

The maximum operating time for all generators shall not exceed 124 hours in any consecutive 12 months [each running @ 38 hr/yr].

2. Emission Limitations :

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

- a. The Permittee shall monitor the amount of fuel oil consumed by the Generator on a monthly basis
- b. The Permittee shall monitor the hours of operation of the each Generator on a monthly basis

5. Specific Record Keeping Requirements:

- a. The permittee shall compile and maintain records the amount of fuel oil consumed by the generator on a monthly basis.
- b. The Permittee shall maintain records of the hours of operation of the Generator on a monthly basis.
- c. The Permittee shall maintain records of the total hours of operation for the Generator on a consecutive twelve-(12) month total.
- d. The permittee shall maintain records of total amount of fuel oil consumed by the Generator on a 12 month rolling average.

6. Specific Reporting Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Units: **11 (PSB)** **Paint Spray Booth**

Description: PSB - Blowtherm Model #TBI-1286 is a paint spray booth with one Wagner model 4275 airless paint sprayer. The booth utilizes Paint Pockets Co. filters or equivalent. PSB has a design airflow rate of 11,212 CFM.
PSB is used to paint repaired or newly built furniture or cabinets for use in the facility but may paint other miscellaneous items.
Assumed 100% collection efficiency for the booth with 99.84% capture at the filters. Spray booth is three sided, open faced.
Transfer efficiency has been assumed to be 25%.
Construction date: 2001

APPLICABLE REGULATIONS:

Regulation **401 KAR 59:010**, New process operations applicable to each affected facility associated with a process operation which is not subject to another emission standard with respect to particulates in Chapter 59 of 401 KAR commenced on or after July 2, 1975.

1. Operating Limitations:
401 KAR 59:010

The following limits shall apply to assure compliance with Emission Limitations #1 and #2.

- a. The booth shall be operated and maintained in accordance with the manufacturer's recommendations unless other limits in this permit specifically state otherwise.
- b. At all times when painting, all filters shall be in place and shall be replaced when determined to be inefficient (as determined through visual inspection).

Conditional Major Limit on HAP

Pounds of individual HAPs used during painting **shall be less than or equal to** 18,000 lbs per year, based on a twelve month rolling average

2. Emission Limitations:
401 KAR 59:010

- a. Section 3(1) limits visible emissions from the booth to less than 20% opacity.
- b. Section 3(2) limits emissions of particulate matter from the booth to a maximum of 2.34 lbs/hr.

Compliance Demonstration Method:

If deemed necessary, the Cabinet shall require testing in accordance with 40 CFR 60 Appendix A, Methods 9 and 5, respectively.

3. Testing Requirements: N/A

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

4. Monitoring Requirements:

401 KAR 59:010

The following is required as part of compliance demonstration for Emission Limitations #1 and #2.

Operating Limitation #2 shall be monitored daily before the unit is operated (when painting is performed).

5. Record Keeping Requirements:

401 KAR 59:010

The following is required as part of compliance demonstration for Emission Limitations #1 and #2.

- a. A log shall be kept near the booth and used to record all monitoring requirements. Date of operation shall also be recorded with each entry to the log.
- b. All maintenance shall be recorded and include date and reason.
- c. All testing (if applicable) results shall be recorded and maintained by the permittee.

Conditional major limitations require the following to be recorded.

- a. Gallons of paint and solvent used each month.
- b. Individual HAP content and VOC content of paint and solvent used.
- c. Pounds of each individual HAP used each month.
- d. Pounds of each individual HAP used during each consecutive 12 month period.

6. Reporting Requirements:

As part of compliance demonstration for Emission Limitations #1 and #2, reporting requirement 5 in Section F shall be modified to require only a summary of any test results (if applicable), filter replacement, maintenance, and deviations from permit requirements. This shall be done every 6 months and certified by a responsible official as specified in Section F requirement 5. See reporting requirements 6, 7, and 8 from Section F for additional reporting requirements.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Units: **12 (DFP)** **Emergency Diesel Fire Pump**

Description: Oil Fired Emergency Generator - Clark Model JDFP06WA
Rated Capacity: 275 hp each
Construction date: 2001
Primary fuel: #2 Fuel Oil

APPLICABLE REGULATIONS:

401 KAR 50:030

1. Operating Limitations:

The maximum operating time for all generators shall not exceed 38 hours in any consecutive 12 months.

2. Emission Limitations: None

3. Testing Requirements: None

4. Specific Monitoring Requirements:

- a. The Permittee shall monitor the amount of fuel oil consumed by the Generator on a monthly basis
- b. The Permittee shall monitor the hours of operation of the each Generator on a monthly basis

5. Specific Record Keeping Requirements:

- a. The permittee shall compile and maintain records the amount of fuel oil consumed by the generator on a monthly basis.
- b. The Permittee shall maintain records of the hours of operation of the Generator on a monthly basis.
- c. The Permittee shall maintain records of the total hours of operation for the Generator on a consecutive twelve-(12) month total.
- d. The permittee shall maintain records of total amount of fuel oil consumed by the Generator on a 12 month rolling average.

6. Specific Reporting Requirements:

See Section F.

SECTION C - INSIGNIFICANT ACTIVITIES

N/A

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the material incorporated by reference in 401 KAR 52:030 Section 10, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Nitrogen oxides, Sulfur dioxides and Particulate matter emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
3. In accordance with Regulation 401 KAR 52:030, Section 1 and to preclude applicability of Title V, source wide emissions of SO₂ shall not equal or exceed 90 ton per year and Ethylene Glycol shall not equal or exceed 9 tons per year.
4. Source-wide usage of #2 fuel oil for all boilers and diesel generators shall not equal or exceed 231,845 gallons per year. Allowable hours of operation using #2 fuel oil for each boiler shall not exceed 32 hours and 38 hours for each generator per each consecutive twelve (12) month rolling total.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, records of all required monitoring data, support information (including calibrations, maintenance records, and original strip chart recordings), and reports required by the Division for Air Quality shall be retained by the permittee for a period of five years. In accordance with Section 1a (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10 and 401 KAR 52:030 Section 3(1)(f)1a, these records shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. In accordance with the requirements of Regulation 401KAR 52:030 Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Access and copy any records required by this permit, enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation; and
 - b. Sample or monitor substances or parameters that affect compliance with the permit or any applicable requirements.Reasonable times include all hours of operation, normal office hours, and during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.
Material incorporated by reference by 401 KAR 52:020, Section 1b (V)1.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

The semi-annual reports are due prior to January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.

6. In accordance with the provisions of 401KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
7. Pursuant to Section 1b V(3) and (4) of the material incorporated by reference in 401 KAR 52:030 Section 10, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.6 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5.
8. Pursuant to 401KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. **Annual compliance certifications should be mailed to the following addresses:**

**Division for Air Quality
Hazard Regional Office
233 Birch Street, Suite 2
Hazard, KY 41701-2179**

**Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601**

9. In accordance with Regulation 401KAR 52:030, Section 3(1)(d), the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee. If a KEIS emission report is not mailed to the permittee, comply with all other emission reporting requirements in this permit.
10. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.
11. The cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - i. The size and location of both the original and replacement units; and
 - ii. Any resulting change in emissions;
 - b. The PTE of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - i. Re-install the original unit and remove or dismantle the replacement unit; or
 - ii. Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10].
2. Notification by the permittee of a planned change or anticipated noncompliance, or filing of a request for any permit revision, reissuance, or rescission shall not stay any permit condition [Section 1a (5) of the materials incorporated by reference in 401 KAR 52:030 Section 10].
3. Pursuant to Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10, 401 KAR 52:030 Section 7(3), and 401 KAR 50:060 Section 2, this permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401KAR 52:030 Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish upon request information requested by the division to determine compliance with the permit or to determine if cause exists for modifying, revoking and reissuing, or terminating the permit [Sections 1a (6) and (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10].

SECTION G - GENERAL PROVISIONS (CONTINUED)

5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].
6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a (11) of the materials incorporated by reference in 401 KAR 52:030 Section 10].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a (3) of the materials incorporated by reference in 401 KAR 52:030 Section 10].
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a (12)(b) of the materials incorporated by reference in 401 KAR 52:030 Section 10].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a (9) of the materials incorporated by reference in 401 KAR 52:030 Section 10].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
11. This permit does not convey property rights or exclusive privileges [Section 1a (8) of the materials incorporated by reference in 401 KAR 52:030 Section 10].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in this permit; and
 - (b) Non-applicable requirements expressly identified in this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the division [401 KAR 52:030 Section 3(1)(c)].
17. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the division after the completeness determination has been made on any application, by whatever deadline the division sets [401 KAR 52:030 Section 8(2)].
18. All previously issued construction and operating permits are hereby subsumed into this permit.

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division [401 KAR 52:030 Section 12].

(c) Permit Revisions

1. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)

2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the division's Frankfort Central Office, notification of the following:
 - a. The date when construction commenced.
 - b. The date of start-up of the affected facilities listed in this permit.
 - c. The date when the maximum production rate specified in the permit application was achieved.
3. Affected facilities that are not completed in accordance with 401 KAR 52:030 Section 3(2) shall lose the construction and operation authorization granted in this permit. Accordingly:
 - a. Construction shall commence no later than 18 months after the date of issue of this permit;
 - b. Construction shall not begin and discontinue for 18 months or more unless the construction authorized is approved as a phased project;
 - c. Construction shall be completed within 18 months of the scheduled completion date; and
 - d. Each phase of a phased construction project shall commence construction within 18 months of the projected and approved commencement date.Upon a written request, the division may extend these time periods if the source shows good cause.
4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055, except as provided in Section I of this permit.
5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(e) Acid Rain Program Requirements

None

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two (2) working days of the time when emission limitations were exceeded due to the emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
2. Notification of the division does not relieve the source of any other local, state or federal notification requirements.
3. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:
RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346
2. If requested, submit additional relevant information by the division or the U.S. EPA.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

NONE

SECTION I - COMPLIANCE SCHEDULE

N/A